### Busmess Notices.

HUMPUREY'S HOMEOPATHIC SPECIFIC No. 28-Cores Section Emissions, Involuctary Discharges, and course quant nervous weakness and prostration, as the experience of thousands testifies. Price is I per box-southers by mail care clipt of the price. Address Dn. F. Hendersen, No. 562 Broadway.

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All the Insect Tribe will kill.

AB genuine LYON'S MAGNETIC INSECT POWDER and PILLS
box the fac-thalle of E. LYON. All others are counterfelts or
base facitations. However of unprincipled imitators. Sold by D.

BERNES, No. 202 Broadway, and by all respectable dealers. GROCFRIES AND FLOUR FOR THE MULION.

Cheapest Store in the world. Goods delivered free. Thos. R. Agsaw, Nos. 260 Greenwich-st. and 89 Murray-st., New-York. TRUSSES .- MARSH & CO.'s RADICAL CURE

TRUES, No. 2 Vesey-st., opposite the church. All kinds of Trueses, Supporters (Military Shoulder Braces and Abdominal Supporters combined). Elastic Stockings, and Mechanical appli-ances for Deformities. (A female attendulaties.)

## New-York Daily Tribune

MONDAY, AUGUST 26, 1861.

TO CORRESPONDENTS. What entire can be taken of Anotymous Communications. What eter is intended for insertion must be suthenticated by the came and address of the writes—not necessarily for publication, but as a marsaly for his good faith.

We cannot undertake to return rejected Communications.

Allowings letters to this office should be addressed to "Tax Turnung," New-York.

### The Republican State Convention.

The Republican Electors of the State of New-York, and all others willing to units with them in support of the Goventerest and a vigorous proceention of the war, are requested to choose two delegates from each Assembly, Disflet, to meet in State Convention in the City of Syracuse, on WEDNESDAY, State Convention in the City of Syracuse, on W.L.DALSDAT, the lith say of September, 1801, at 11 a. m., for the purpose of presenting candidates to be supported for the offices of Judges of the Court of Appeal, Secretary of State, Controller, Attorney-General, State Engineer and Surveyor, State Treasurer, two Canal Commissioners, and Inspector of State Prisons. By order of the Committee.

SIMEON DRAPER, Chairman.

Jakes Temwing.com, Secretary.

### National Fast.

A PROCLAMATION.

By the President of the United States of America Warras, A Joint Committee of both Houses of Congress has waited on the President of the United States, and requested him to recommend a day of Public Humblation, Prayer, and Fasting, to be observed by the People of the United States with religious solemnities, and the offering of fervent supplications to Almighty God for the safety and welfare of these States, His

Almighty God for the satety and welfare of these states, his bissings on their arms, and a spedy restoration of poace; And thereas, It is fit and becoming in all people at all times to acknowledge and reverse the Supreme Government of God, to bow in humble submission to His chastleaments, to confess and deplore their sins and transgressions in the full conviction that the fear of the Lord is the beginning of wisdom, and to pray with all fervency and occitation for the pardon of their peat of fenses, and for a blessing upon their present and prospective action;
And whereas, When our beloved country, sace, by the blessing

of God, united, prosperous and happy, is now afflicted with fac-tion and civil war, it is peculiarly fit for us to recognize the hand of God in this visitation, and in sorrowful remembrance of our own faults and crimes as a nation and as individuals, to humble curselves before Him, and to pray for His mercy—to pray that we may be spared further punishment, though justly deserved; that our arms may be blessed and unde effectual for the reestabthat our arms may be used and peace throughout our equatry, and that the inestimable been of civil and religious liberty, earned, under His guidance and blessing by the labors and sufferings of our fathers, may be restored in all its original excellence. Therefore, t. ABRAHAM LINCOLN, President of the United States, do appelint the last Thursday in September next as a day of Humilia tion, Prayer and Fasting for all the people of the Nation, and I do extremly recommend to all the people, and expectally to all bilinisters and teachers or religion of all denominations, and to all heads of families—to observe and keep that day according to their several creeds and modes of worship in all humility, and with all religious solemnity, to the end that the united prayer of the Nation may ascend to the Throne of Grace, and bring down plentiful blessings upon our own country.

In testimony whereof I have hereunte set my hand and caused

the great seal of the United States to be affixed, this 12th day of August, A. D. 1861, and of the Independence of the United States of America the eighty-sixth.

By the President:

ABRAHAM LINCOLN.

WILLIAM H. SEWARD, Secretary of State.

#### The Tribune's War Maps. LIST OF THE KILLED AND WOUNDED

AT THE BATTLE OF BULL BUN. Now Ready, Extra Taisune, containing the vavious Mans published in THE TRIBUNE since the commencement of the War. It also contains a list of the killed and wounded in the late battle, so far as ascertained. Price five cents. Three dollars per 100. Terms cash. Address

THE TRIBUNE, New-York.

## Extra Evening Tribune.

During the continuance of the War which has been commenced by the Southern Disunionists and Rebels, we propose to publish at 44 o'clock TRIBUNE, containing the Latest News from all quarters. This sheet may be procured at THE TRIBUNE Office, and of the news dealers and boys at the usual price-2 cents.

## The Sunday Tribune.

The following are the contents of yesterday's

LEADING ARTICLES:
The Latest War News; Pecuniary Pluck; A Massachusetts
Slave-Trader; Deserters; Term of Enlistment; The
Treasonable Press; Editorial Paragraphs. THE WAR FOR THE UNION:

VAR FOR THE UNION: siness of the War Department; Industry of Secretary Cameron; Trouble Amerig the Rebels; Decision as to Enlistments; The Venderbill SFamers; Geod Order in Washington; Changes in Communiters; Mayor Ber-rett Arrested; He is Sent to Fort Lafayette; Excito-ment at Baltimore; The Court-House Set on Fire.

PEACE-SPECESSION TROUBLES:
Serious Disturbance in Connecticut; Flag Tera Down at
Stepney; Secession Meeting Postponed; The Bridgeport Farmer Destroyed; A Sight at Faith-id; Two
Mon Seriously Hurt; A Now-Jersey Feace Paper Suspended; A Delaware Paper Admonished.

From Fortness Monroe:

Experiments with the Big Gue; A Shell in the Enemy's
Camp; The Gunboat Seminole Arrived; She Brings in
a Prize.

NEW PUBLICATIONS:

Great Expectations; The Law of Nationa Affecting Com-nance During the Wert The Eclectic Magazine; Post-tive Facts Without the Shadow of Doubt; Books Re-

THE STATE OF EUROPE: Letter from Our Own Cerrespondent. PRANCE: Letter from Our Own Correspondent.

FROM MISSOURI. CORRESPONDENCE: Highly Important from Baltimore: The Battle of Charles-ton; A Ride with the Spiritualists.

Miss ELLANLOUS:
The Ball at the Branch; The Secondon Journals: Enclaying the California Indians; Edward Everet on Secondon Newspapers in the North; A Drive Through the Confederate Fickets to the Torne of Washington; The Aution of the Sprad of Euffalo, Life Among the Pinter; Southern News; A Particle Glio Democrat; How to Get Treatury Notes; The Bartle of Spring-Geld.

PERSONAL. POLITICAL, LATEST TELEGRAPHIC DISPATCHOES. LOCAL MILITARY MATTERS. CITY ITEMS. BROOKLYN ITUMS. LAW INTELLIGENCE. MARRIAGES AND DEATERS. COMMERCIAL MATTER.

LITERARY AND ARTISTIC.

MARINE JOURNAL. Single Copies for sale in the Counting Rosse. Price Tures

We time should be lost in perfecting the proposed system of passports, and putting it in force at Portland, Me., and, by the aid of our six prominent Secessionists will arrive at Quebec

stood to be the plan of the Rebels, to have their European agents and correspondents debark at the two points named, and find their way South via the Grand-Trunk Road and the Mississippi

The Peace party of Louisville, Kentuckyamong the signers of their address is John Bell -have adopted the White Flag as their emblem. What The Louisville Journal thinks of them may be seen in an article published in another column. The movement, if it deserves to be called so, has its counterpart in the North, and is, no doubt, a preconcerted scheme, which, whether positively meant to give a triumph to Jeff. Davis, and establish armed resistance to the Government as the precedent to be hereafter adopted by any party defeated at the polls, will certainly, if it succeeds, have both those results. But its partizans at the North, men of The Atlas and Argus party, as they have the temerity to advocate measures of submission in the face of an infamous insurrection, so they should have the courage to adopt a badge that will best distinguish them. Theirs should be, not the White Flag, appropriated already by their brethren of the South, but the White Feather as emblematic of their true state and condition. Nothing could be more significant. It would mark them, not merely as a party, but every man would proclaim thereby what manner of man he was. It would be as unmistakable to our common sense, as a black skin designates at the South, a man's supposed legal status. He is presumed to be a slave till the contrary is

#### THE LATEST WAR NEWS.

Our War news this morning is meager. On Sunday, at Washington, several regiments were reviewed and inspected, the President taking part in these duties. The condition and appearance of the troops were wholly satisfactory, calling forth in several instances the special commendation of the General. During the hour of service in the churches a groundless alarm was created by the report that the rebel force was advancing from Fairfax Court-House. For a short time the greatest activity prevailed, and all the officers of the army were summened from their several places of worship. There was an alarm, but the celerity with which the entire body of National troops was placed in a condition to take the field against the enemy was most encouraging. The error in the report of a hostile advance was soon discovered, and the usual quiet of the Capital was restored.

Each day sees a greater degree of vigilance as regards spice and traitors, and several important arrests have recently been made. It already becomes not an easy matter for the rebels to communicate with their allies at the National Capital and in the Northern cities. The President's proclamation forbidding intercourse with the rebellious States has been construed so as to include the transmission of letters; consequently, no express companies are to be allowed to convey correspondence from the North to the South. The plan of having an organized detective force in the chief cities of the North, for the purpose of discovering and suppressing traitors, now occupies the mind of the Executive.

From Missouri we have the proclamation just issued by Gov. Gamble, who calls out an army of 42,000 men, made up of 10,000 cavalry and 32,000 infantry, for the purpose of preserving the peace in that State. These troops will be in service for six months, unless before the expiration of that time their aid is no longer required. The real purpose of the Rebels in Missouri is not known, nor can conjecture bring us to satisfactory results. It appears now that they are more anxious to procure subsistence than to fight. It is stated, among other evidences of their meanness, that those of our wounded in the recent battle who were attended to on the field, by reason of the want of proper hospital accommodations, were naked into Springfield, while every man left lying on the field had his pocket picked.

## MILITARY PROSPECTS OF THE

SOUTHERN CONFEDERACY.
Had the Unionists routed the rebels five weeks ago at Bull Run, and soon afterward fought a battle in Missouri which, though indeclaive in its immediate result, was necessarily followed by a National retreat of over a hundred miles, can there be any doubt that our troops would ere this have occupied Richmond, and the rebellion been virtually subdued? How could the Davis government have borrowed money, or obtained by any means food enough to subsist one hundred thousand men, in the face of such reverses

The Confederates have had the fullest use of the Press of the loyal States in proclaiming their success. In fact, they first learned from that Press the completeness of their triumph at Bull Run. Yet in these five precious weeks they have not made the progress that they might and should have made in a single day. They have not even attempted to reclaim that portion of the "sacred soil" of Virginia that is held by our armies; they have not menaced Washington; they have not crossed the Potemac. Had they been beaten at Bull Run, they could not since have evinced less energy and self-confidence than they have actually

The reasons assigned for this torpor are various: 1. The Rebels suffered far more than our side did in the battle, several regiments having been utterly cut up; 2. They have been in pressing want of provisions and ammunition; 3. Their leaders have quarreled, and are still at foud concerning their conduct, respectively, in the battle, or with regard to local rivalries and the interminable problem of Centralism and State Rights; 4. They are destitute of the wagons, &c., required to move the munitions and baggage of a numerous army, and dare not abandon the lines of railroad converging on Maquesas without bazard of disaster. Whether any of these, or all of them together, afford the real reason for their inertness, the fact is indisputable. They knew that our men were disorganized, demoralized, panic-stricken by their flight from Bull Run-that they were little more than a proaching to supply their places. Of all the volmob-that the dismissal of the three months' volunteers had left fearful gaps in our ranks, which time would be required to fill up-that there were discontents and heart-burnings in spirit. But the great bulk of them were not sent several of our remaining regiments which were consul, at Quebec. We have information that being skillfully fanned into mutiny-that, in of conflict until all the fighting had been done. short, this was their golden opportunity, which, Werse than even this, the Government accepted by the next transatlantic steamer, all of whom if unimproved, could hardly be expected to re- 12,600 men for only three months, thus receases-

Is it at all likely that they will ever again be able to assume the offensive under such favorable auspices as invited them in the last days of July? That Gen. McClellan is at least twice as strong as he was on the 1st instant, will hardly be doubted. That every day increases both the number and the efficiency of his forces, is certain. Is it probable, then, that the longdeferred hopes of the Maryland Secessionists will ever be realized? Let the facts answer.

That there have been, and still are, jealousies and feuds among the prominent traitors, is very probable. Their Vice-President, Stephens, was entirely right last Fall in indicating unsatisfied ambition as the chief impulse to Disunionism. But their ambition is as fierce in Jeffdom as it was in the old Union, and, of course, with like results. Were the Confederate States independent and at peace with all the world to-day, they would very soon be quarreling with each other. South Carolina and Tennessee, Virginia and Texas, have diverse interests and irreconcilable aspirations. Slavery is their sole bond of Union: but while one wants slaves abundant and cheap, another would have them scarce and dear; one would like to have at least one slave in every poor white's household, another regards poor whites as little better than free negroes. The Confederate States, if to-day independent and at peace with all mankind, could only avoid disintegration by plunging afresh into war.

Cold weather is not far off, and will prove most unfavorable to armies so poorly clad, so wretchedly shod, and so meagerly supplied with tents and camp equipage as are the Confederates. We joyfully trust, therefore, that unless fresh and grievous blunders shall be made on our part, we have seen the worst of Secession on this side of the Alleghenies.

### CAMPAIGN COMPARISONS.

It is well known that a vast volunteer force is now actually in the field by order of the Government, and that since Rebellion developed itself numerous battles have been fought. The singular accompanying fact appears: that in each of these battles the force brought into action is dispreportionately small to the large number of men actually under arms. The public, knowing it to be so, cannot understand why so many troops are not brought into action when so many appear to be not only in the field, but when, as the events at Manassas and Springfield prove, their presence at the critical moment was so urgently needed. Thus far, every battle has been fought with a handful of men. Even our victories in Virginia and Missouri have been won against tremendous odds. In explanation of these facts, it will be useful to reproduce those which occurred during our war with Mexico, as there are points of resemblance between the two sets which will throw much light on events now of daily occurrence. During the war with Mexico, our whole regu-

lar army consisted of 26,922 men, while 73,532 volunteers were enrolled, who served an average term of ten menths. Yet, with a force thus exceeding 100,000, Gen. Taylor carved out his brilliant career of victories without, on any one accasion, having more than 6,000 men; neither had Scott, fighting his way to the City of Mexico. more than 11,000. Their two combined armies were not equal to one-fifth of those under arms. While one man fought, nearly five others did not. Thus, though the grand total of the army was so imposing as to create astonishment evec in Europe, yet, just as is the case now, the battles were all fought by mere fractions. When the war broke out. Gen. Taylor had no force but the Texns regulars then on and near the frontiers, its total being 3,554 men, and of these he had not all. With such as he had he overthrew the Mexicaus at Palo Alta, Resaca de la Palma, and at Fort Brown, in May. There was no great increase of regulars up to September, because he had but 3,000 of them when he won the victory at Monterny in that month, his whole force having been stripped of their clothing by the Rebels and sent swelled to about 6,000 by the arrival of volunteers. At Buena Vista he had but 517 reculars and 4,400 volunteers. Vera Cruz was captured by a force composed of 6,800 regulars and 6,662 volunteers, the Navy assisting. At Cerro Gordo the force was 6,000 regulars and 2,500 volunteers. The battles of Contreras, Cherrubusco, San Antonio, and San Augustine, were fought and won with an aggregate force of only 9,681 regulars and marines, and 1,526 volunteers. When the final blow was struck at the City of Mexico, the whole number on duty was only 8,304-regulars 7,035, volunteers 1,290. These significant details of that truly brilliant campaign have been generally forgotten, but they are of especial interest now.

They prove a state of facts analogous to these now transpiring. In examining both, we discover a similarity which in the most important points becomes identical. The only one of immediate interest is to discover why the Government. having so large a number of troops, permitted or compelled its Generals to fight its battles with a mere handful of men. Gen. Taylor's early encounters with the Mexicans explain themselveshe was compelled to them by his position, and before the Government had correct knowledge of his danger, or means of giving him succor. The demoralizing viciousness of our whole volunteer system was as conspicuous and fatal then, as every intelligent observer knows it to be now. The army in Mexico could not advance, because no means had been provided for long marches. Volunteers flocked in, but they had no wagon trains. As many as 27,000 were accepted for only twelve months. They entered the service in June, 1846, to be discharged in June, 1847, though no one could predictt how long the war would last, for the specter of some foreign complication shook its gory locks before timid financiers and journalists as threateningly as now. It happened, as it always does, that when the very emergency arrived in which these men could have enabled Scott to strike a decisive blow, their time expired. No inducement held out was sufficient for them to reengage. Thus, when about advancing to attack the City of Mexico, he was compelled to discharge 3,000, though knowing to a certainty that less than 1,000 recruits were apunteers under Scott's command, only a single home, volunteering was going on with unabated forward in time. They did not reach the scene

from whatever cause, they were able to do raising and organizing of volunteers. It was this that forced the acceptance of three months' men; and which will forever render the country slow in raising an efficient army at any unexpected moment. The viciousness of the system has been made too painfully apparent within the last six months, to need further elucidation now. The experience of several wars shows that the people are always ready to undertake them, but that the Government is, from the beginning, systematically destitute of material with which to prosecute them. Men and money we possess in abundance, but of methodical preparation, nothing. These facts inform us why, with so vast an aggregate force, our battles continue to be fought by bodies of men so disproportionately small. Such bodies, it is true, wrought prodigles in our war with England, conquered a peace with Mexico, and have achieved brilliant victories over Rebellion. But painful apprehension preceded every battle, because of insufficient force. An ample one might have saved a battle by proving to the enemy that resistance would be futile, while it would have made each victory more overwhelming. If we have the men, let us concentrate them where they are needed.

The casualties occurring in the Mexican war,

as ascertained from official documents, afford striking evidence of the gross exaggerations as to the number of killed and wounded, which flash over the wires with the first news of an engagement. All who now have friends in the army may well refuse to believe them. The case of Bull Run is a very striking illustration of their wanton falsity. That of Springfield is equally so. First reports of this kind are enormous lies. Sickness kills far more than guppowder, while a large portion of the missing either come straggling in, or turn up as deserters. At the siege of Vera Cruz we lost but 12 killed, and had 51 wounded; at Cerro Gordo, out of 8,500 men engaged in that sanguinary battle, we had but 99 killed and 239 wounded. In four other actions where 11,207 men were engaged, we had 189 killed and 865 wounded. Our loss was heaviest at Molino del Rey, where out of 3,251 regulars we lost 195 killed, with 580 wounded. At Chepultepec and the City of Mexico, where the whole number on duty was 8,304 men, our loss was 188 killed, with 673 wounded. In the numerous skirmishes with Mexican scouts, guerillas, &c., we suffered an additional loss of 127 killed and 293 wounded, to which may be appended Gen. Taylor's losses on the Rio Grande, 72 killed and 147 wounded. The best authorities do not make the whole number killed in the Mexican war, or dying from wounds received in battle, more than 1,000, or the wounded exceeding 3,000. It was sickness and the hospitals that made the havoc. The regular force, numbering 26,922, lost 3,873 by discharges for disability while the 73,532 volunteers lost 7,200 on the same ground-not by death, though doubtless their inability in many cases ended in that way. The ordinary deaths among the volunteers amounted to 6,256, and among the regulars to 4,714, a frightful total, from causes incident to army exposure in a most unfriendly climate, of 10,970, or nearly three times as many as were killed and wounded in battle. Of the regulars, 2,849 deserted, and of the volunteers 3,876. It must be borne in mind that most of the battles in Mexico were fought against immense odds, whose destructive energies were increased by their position within fortresses bristling with cannon, and planted on almost inacessible hights. Comparing these battles with those already fought with the Rebels, the latter appear to be no better marksmen than the Mexicans.

## MARTIAL LAW.

It is evident that this peculiar code of law is likely to be frequently enforced upon municipalities during the period in which our armies are engaged in crushing rebellion. It has, to some extent, been dominant at Baltimore for months past. It has been recently proclaimed at St. Louis, and at Washington a murderer has been tried and executed under its operation, the execution following the crime within ten days. One of its peculiar characteristics is the swiftness with which it converts chaos into order. Punishment also, succeeds conviction with a remorseless celerity that startles a community accustomed to the tortuous and tardy movements of the civil law. Even in a modified form, Martial Law struck instant terror to the heart of rebellious Boltimore. broke up its treasonable organizations, and drove off hundreds of its traitors. At St. Louis the same instantaneous pacification followed its enforcement. An impending insurrection was crushed without bloodshed, anarchy was prevented, peace maintained, and the highly excited populace were assured of safety and protection for the loyal, while the simple proclamation struck treason powerless.

Chief-Justice Hale pronounced Martial Law to be no law at all. The old Mutiny Act of Parliament for creating an army was originally passed for one year only, and to this day that act is passed acqually, so that the army shall have legal existence only for a single year. Thus, by vote of Parliament the legal existence of the whole British army can be terminated at any moment within the year. The ancient jealousy of military supremacy is thus perpetuated. The fact of Parliament keeping the army alive by annual enactments is a singular confirmation of Chief-Justice Hale's judgment as to Martial Law being an excrescence, though the latter has not only been permitted, but encouraged by the Legislature, as a standing army in England has long been deemed necessary for the preservation of the balance of power in Europe. Blackstone agrees with Hale. These extreme views are not entertained in the United States: yet, even here, the President is not authorized to call for volunteers for a longer period than three months, unless by an express vote of Congress; nor can the latter make any appropriation for the support of an army for a longer term than two years.

Ip this country military law is ranged under four heads, the Written, the Unwritten or Custom of War, the Extraordinary or Martial Law, and the Supplementary or regulations established by the President. The latter have so permanent force unless sanctioned by Congress. The Written Law has been framed with extraordinary care company could be induced to reengage. Yet, at to preserve the people from military despotism. Every provision in a military code contrary to the Constitution is a nullity. So every proceeding in a Court Martial, and every sentence which is not Constitutional, is illegal. Such a Court scatencing a man to be burned at the stake, or to be deprived of his sight, would be amenable

izens everywhere, even over our armies when beyond the national boundaries.

The Unwritten Law is the custom of war as established in our armies and courts-martial. To determine what this custom is, the fact must be ascertained whether it is or not the established custom in the American service. Then follows the question as to whether there is good reason for its continuance or rejection. Thus, the rules of evidence observed in civil courts have no legal existence in courts-martial, except by voluntary adoption as custom of war. To ascertain, therefore, whether any particular rale of evidence has force, the first question is one of fact-has it been uniformly observed? The second is one of quality-is it a right rule, or does it interfere with the attainment of justice, and prevent the members of the Court from acting according to their conscience and best understanding? Thus any rule of evidence not bearing the test of reason may be set aside. Accordingly, the oath places conscience and understanding before the custom of war, evidently and reasonably intending that the latter shall be tested by the former. It is true that men's consciences are governed by different standards; but the "best understanding" implies that an officer sitting as a member of a Court, will apply his understanding in the best manner which is possible for him.

It is under the third head of Extraordinary Military Law that what is popularly called martial law belongs. The two are identical. The lowest grade of martial law is the suspension of the writ of habeas corpus; but its operation may be extended to the most complete and summary powers bestowed on the military authorities within or beyond the Republic. It will thus embrace persons, actions, and places. This extension is greater or less, according to circumstances or the judgment of the commander. It may also be for a longer or shorter period of time. The civil law may be suspended for the time being, to effect some military operation, or to secure the defense of a city, as in the case of Gen. Jackson at New-Orleans; or it may be continued for a longer period in some place or country where rebellious elements were becoming insolent, as at St. Louis, or in some region where perfect subjugation remains to be accomplished. The Constitution merely provides that the lowest grade of martial law, suspending the writ of habeas corpus, shall not exist, unless when by rebellion or invasion, the public enfety may require it. The same contingency justifies the exercise of all higher military law. Both the President and a commanding general may proclaim and execute martial law, and suspend the habeas corpus whenever the contingency named in the Constitution may have arisen. They are the sole judges of the fact. Gen. Frement being bimself at St. Louis, was the best judge as to whether martial law was necessary to secure the public safety. But he must report his action to the President, just as the latter must report a like act of his to Congress. If the latter approves, it will ordain the law which the President has already executed. Until Congress establishes martial, law it has no existence of right, though it may have in fact, by the antecedent action of some functionary in proclaiming and executing it. A case in point occurred during the Irish Rebellion in 1798. The King executed martial law in Ireland, his prerogative for that measure being undoubted; but when Parliament assembled, an act was passed recognizing a rebellion, commending the King's conduct as wise and salutary, and ordaining and establishing martial law in Ireland. This act also extended the powers of military persons and tribunals, and limited the ordinary powers of the civil tribunals. Thus that which existed as a fact was invested with a legal sanction, and, therefore, until the Legislature acts, martial law is the expression of the will of the Commanding General, or of the President. It is a noticeable fact that Congress has

ordained no code of Military Law for our army when in foreign countries. As Commander-in-Chief, the President must direct the forces; and as Congress has ordained no additional code, he must require additional rules in order to direct them in their new situation. The President cannot legally make laws, nor can the Commanding General: consequently, if either shall proclaim Extraordinary Military Law, which is Martial Law in fact, then the whole body of rules and regulations thus imposed are to be regarded as mere orders of an individual, not as laws fixing rules of conduct in permanency. They are simply executive acts, and do not become laws until approved by Congress. When Gen. Scott penetrated to Mexico, be found himself confronted by this singular omission. But he supplied it by drafting a code for the government of the army, so full, complete, and masterly, as to command universal admiration. Under its comprehensive provisions he marched his army into captured cities, governing them better than they had before been governed, while in the capital his enforcement of his own code was so satisfactory as to draw from the people an invitation for him to rule them permanently.

The term Martial Law sounds harshly on the public ear. Many have a vague idea that it is synonymous with outrage and plunder; that cities rubicated to it always suffer pillage, while the people endure the extremity of wrong. These may follow seige, capture, or sack, and in European wars have been repeatedly experienced. It is from such extreme cases that the general horrer of military occupation has spring. But in this country no such cases of outrage and plunder have been known. All our experience points the other way. Baltimore was on the high road to ruin, for a frightful anarchy had obtained possession, when Gen. Butler came in as a military pacificator. The most perfect order has prevailed since that occupancy began. St. Louis was quieted by a similar energetic movement. Rebal cities, now ruled by ruffian mobs, as these two would have been, if it possession of the army would be calm and safe. There are at this mo ment thousands of Union men in Southern cities praying for the advent of martial law under the

A Disconferent. Surrenger.—Accounts received here, through the Santa Fe mail, confirm the report of the surrender of Fort Fillmore, Texas, hy Major Lynde. Lynde abandened Fort Fillmore on the 26th ult., and marched toward Fort Stantor. When about eighteen miles from Fort Fillmore, he surrendered his whole command, numbering some 500 man, to 300 Texans. The Texans afterward took possession of Fort Stanton. 700 Rebels attacked asmall body of United States forces in Mesilla, Arizona. Capt. McNally and Lieut. Brooks, of the Federal army, were wounded. The Fight was stopped at night by mutual consent, the Federal forces leaving the Rebels in possession of Agailla. Fears are entertained that Fort Union may be taken, and the Santa Fe people are some what alarmed on their own account. A DISORICEFUL SURRENDER.-Accounts required

# THE WAR FOR THE UNION.

OUR CAPTURED IN RICHMOND.

ARREST OF A FEMALE REBUL RHISSARY. IMPORTANT LETTERS FOUND ON HER

MUTINEERS SENT TO THE TORTUGAS

Washington Fashionable Females Arrested

CONTENTS OF MRS. GWIN'S TRUNK INTERCOURSE WITH THE SOUTH STOPPED.

Special Dispatch to The N. Y. Tribune.

WASHINGTON, August 25, 1961. A PALSE ALARM.

There was a false alarm during the merning church services to-day. A picket guard reported the enemy advancing from Falls Church. Gen. McDowell telegraphed to Gen. McClellan, and preparations were making for meeting the enemy. when another telegram came explaining that the first was unfounded. An orderly had, meantime, been to several churches, and apprised everybody wearing shoulder-straps that he was wanted There was no foundation whatever for the report.

INSPECTION OF THE PROVOST GUARD. General McClellan inspected the Provost Guard this morning, regular Infantry, Cavalry and Artillery. To-morrow he will review the brigades of Generals Sherman, Keyes and Wadsworth.

REVIEW BY THE PRESIDENT.

The President reviewed the troops at Bladensburg to-day, and subsequently attended church in the camp of the New-Hampshire regiment. On his return, he reviewed Colonel Baker's Califernia regiment.

NATIONAL DETECTIVE POLICE. Government is considering the propriety of organizing a National Detective Police Force. New-York, St. Louis, Chicago, and other cities were represented in the conference. The plan is to have agents distributed through the country, forming a network of surveillance, through whose meshes secret traitors will find it hard to escape. The detective force in Washington is largely increased by recruits from New-York and Philadelphia. The results are daily becoming

OUR CAPTURED OFFICERS.

The Hon. Alfred Ely and Col. Corcoran, with all our officers captured by the Rebels, numbering sixty, are at Richmond, confined in a room 60 by 24 feet, in the tobacco warehouse. Mr. Ely and Col. Corcoran are well. They are all fed on fresh beef and wheat bread. Mr. Wigfall, among others, has visited them. He said that the prisoners might be exchanged if our Government consented-that if we would fight like Christians, they would-if like Comanches, they would fight like Comanches. They have very strong intrenchments two miles this side of Richmond, and between Manassas and Bull Run.

ARREST OF A WOMAN WITH IMPORTANT LET TERS.

A woman, fresh from Beauregard's headquarters, was arrested to-day, while passing through our lines into Alexandria. She manifested great indignation, claiming that, as a lady, she was exempt from arrest. An Irish woman of one of the regiments searched her and found, among her underclothes, some twenty letters addressed to and implicating prominent citizens in Washington and Alexandria. She was sent to headquarters. SEIZURE OF SMALL BOATS.

A tug, attended by several boats, is busy to-day picking up all the small boats on the river. She has collected enough to cover an acre.

MUTINEERS SENT TO DRY TORTUGAS. All the mutineers still in custody, whose names have already been published, including those of the 2d Main and 13th and 21st New-York, were sent to the Dry Tortugas at 5 o'clock this afternoon. Those of the 79th, who were in the Central Guard House, were sent with them. The Philadelphia took 170 in all. They will be transferred to other vessels at Fortress Monroe.

THE CASE OF COL. M'CUNN. Col. McCunn has not been dismissed the service. The report of the court-martial was not made to Gen. McClellan until last night, and he has not yet had an opportunity to examine it.

A SENTINEL FIRED UPON. A sentinel of the Fifth Excelsior Brigade, stationed beyond the Navy-Yard, in the District, was fired upon last night by a man whom he

challenged. A CHAPLAIN ARRESTED. The Rev. James M. Green, Methodist Chaplain of the 10th Pennsylvania Regiment, is now in the City Prison, charged with tampering with

soldiers' letters. THE RELEASE OF MR. BOTELER. Gen. Banks is not to blame for the release of the Hon. A. R. Boteler. His orders to Color,el Leonards of Massachusetts 13th, were to trike and hold him, but Mr. Boteler's tongue was 200

much for Col. Leonards, who set him free or a his own responsibility, and not greatly to General Banks's delight.

THE PRESIDENT AND THE SIXTY-NINT B. The announcement that the 69th would, return for the war was received with great sat Isfaction by the President, who realizes the importance of enlisting the Irish element of the population in the service of the country.

THE REPRESEMENT ARRANGEM CENT. Secretary Cameron, accompanied by Commissioner of Public Buildings Woods, yesterday inspected the excellent arrangement, for the refreshment and accommodation of troops on arri-

A PAYMASTER PRIGP MENED.

A paymaster, who, from cur josity, visited Harper's Ferry on Friday evening, was startled into a sudden retreat by the appearance of a small scouting party of mounted and unmounted Reb-

THE PITTEENT A MASSACHUSETTS. The 15th Massach setts are attached to Gen

Stene's Brigade. THE SECOND FIRE ZOUAVES. Gen. McClellan has ordered the 2d Fire

Zonaves to be assigned to Gen. King's Brigade. Maj. Moriarty retains command, Col. Fairman being ordered not to interfere until the question of Coloneley is settled.

AUDITOR NEWELL AND MAYOR BERRETT. Gee. W. Newell, formerly Auditor of the Canal Department of New-York, and an incura-

could be arrested if regular passports were re- turn. Davis and Beauregard heard, saw, and ing the folly, and suffering the embarrassments, to the gravest reprimand, because the Constituquired of them, but who, under the present cir- felt all this, yet did nothing; and their ability is of revolutionary days. The great, ruinous defigumstances, are likely to escape. It is under such that it is perfectly sufe to conclude that, ciency lay in our wretched laws governing the shall not be inflicted. It is supreme ever all cit account,